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May 15, 2012

By Mail and By E-Mail

Chris McDonough, Esq.
Jacqueline A. Rappel, Esq.
McDonough & McDonough, LLP
800 Westchester Avenue, Suite S-332
Rye Brook, New York 10573

Re: Capogrosso v. State Dep't of Motor Vehicles, Index No. 7738/2012

Dear Jackie and Chris:

We write to advise you that the New York State Department of Motor Vehicle ("DMV") has pre-approved the anger management course of Dr. John T. McCann, consisting of approximately 20 one-hour sessions of individual counseling, and to set out the conditions for Mr. Capogrosso being allowed to practice at the DMV's Traffic Violations Bureau ("TVB") offices.

Mr. Capogrosso must submit proof, by certified mail, to DMV's Office of Counsel, Attn: First Assistant Counsel Ida Traschen (with a copy to the undersigned attorney) that he has successfully completed the approved anger management program. Such proof shall consist of a certification by Dr. McCann that Mr. Capogrosso has satisfactorily completed the anger management program, and shall specify the number of one-on-one sessions of counseling Dr. McCann had with Mr. Capogrosso, the general subject matter addressed in those sessions, and the basis of Dr. McCann's conclusion that Mr. Capogrosso has learned how to control his behavior so that he will not be disruptive to the business conducted at the TVB, and will not pose a threat to the safety and well-being of DMV employees, or the attorneys and DMV licensees appearing at the TVB through violence, threats of violence, harassment or intimidation.

Upon receipt of such certification, First Assistant Counsel Ida Traschen shall notify Mr. Capogrosso in writing, by certified mail, of the date upon which he may appear on behalf of DMV licensees at TVB offices.

Please be advised that if and when Mr. Capogrosso appears at a TVB office, after his satisfactory completion of the anger management course, he must strictly adhere to the standards

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DMV-0000205

EXHIBIT

Exhibit 16

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of conduct required of attorneys appearing before State courts. Threatening conduct by Mr. Capogrosso—such as punching a wall, steel beam, or the air in the presence of another person, or proclaiming that punching heavy objects does not cause him any pain—verbal threats of physical violence, and verbal abuse including the use of ethnic slurs will not be tolerated. These behaviors shall subject Mr. Capogrosso to a prohibition from appearing on behalf of DMV licensees at any TVB office for a period up to and including five years. Please be further advised that in the event that Mr. Capogrosso commits an act of physical violence, he shall be immediately and permanently barred from appearing on behalf of DMV licensees at TVB offices.

Very truly yours,



SERWAT FAROOQ
Assistant Attorney General